MEMORIAL

OF THE

SOCIETY FOR ALLEVIATING THE MISERIES

OF

Public Prisons,

In favour of the adoption of a Penal Code, based upon a plan of Solitary Confinement.

.....

READ in the Senate, January 12, 1828.

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To the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met.

The memorial of the Philadelphia Society for alleviating the miseries of Public Prisons,

RESPECTFULLY SHEWETH:—

THAT your memorialists, impressed with a continued sense of the great interest and importance of a just and lenient penal code and system of prison discipline, feel it obligatory upon them again to lay before the assembly those general views which from the first memorial presented, (at the instance of this society,) in 1787, they have, under various circumstances and modifications of detail, constantly urged, up to the time of their last address to the legislature, in 1821.

To Pennsylvania belongs the honor of having begun the whole system of prison reformation. Her illustrious founder, abolishing the indiscriminate punishment of death, which then included in its awful doom almost every species of crime, substituted *imprisonment* for all offences inferior to deliberate murder, introducing at the same time many wise and salutary amendments in the entire constitution of the criminal code. For thirty-five years Pennsylvania enjoyed the benefits of this melioration, in defiance of the repeated attempts of the mother country to restore the ancient barbarous and exploded system. In 1718, however, this system was revived, and from that time to the revolution all the evils and miseries which it plentifully engendered were painfully experienced.

Before calling your attention any further to the progressive advancement of Pennsylvania, from this period to the present, your memorialists would beg leave to state what they conceive to be the true theory and designs of criminal law and punishment, and they apprehend it can be clearly demonstrated that the constant and unvarying policy of Pennsylvania, in all her legal enactments, has fully recognized the verity of these views.

When the awful punishment of death and the barbarous corporeal inflictions of former ages were abrogated, the only adequate punishment remaining was the restraint and imprisonment of the offender; and we do not hesitate to aver, that the moral reform of the person thus incarcerated, by the use of mild and just treatment, is as much the aim and interest of every good system of prison discipline as the mere restraint and coercion of the offender.

Herein consists a principal difference between the discipline of Pennsylvania and that of another prominent system in our country. The former considers moral reform as the primary design of prison discipline—the latter regards it as no legitimate aim of penal enactments. But it is not the mere imprisonment of the offender which is to benefit the community or improve his condition One of the first evils, of which the Prison Society became painfully sensible, was the pernicious consequences arising from the indiscriminate congregation of all kinds of offenders. At the commencement of their labors they found male and female, old and young, the debtor and criminal, the veteran and novice, mingled together in the most loathsome and defiling association. To attempt reasoning on the pernicious consequences of such society as this, would now be entirely supererogatory. No possible hope of reformation, but rather an increase and extension of crime were to be feared from such a mode of confinement. The labors of the society have therefore been constantly directed towards a complete separation of prisoners.

The system of prison discipline, then, which your memorialists have always been anxious to establish in Pennsylvania possesses two strongly marked destinctive features. 1st. The recognition of moral reform, as a principal aim ef penitentiary punishment. 2d The complete separation of prisoners, as the only mode by which this end can be obtained. As our system advances towards or recedes from strict separation, so, in the opinion of your memorialists, do we experience a diminution or increase of the miseries incident to promiscuous intercourse. In order, therefore, to show the legislature what have always been its views on this subject, the society beg leave to refer to their various memorials, the suggestions contained in which, have received the kind attention of former legislatures, and have formed the basis of most of the enactments in regard to this subject.

In the petition presented to the assembly at the instance of the prison society in 1787, we find these words, "your petitioners wish the house would be pleased to revise the law, being fully convinced that punishment by more private or even *solitary labor*, would more successfully tend to reclaim the unhappy objects."

Again in 1788, in a report to the supreme executive council of the state, solitary confinement with labor, is strongly recommended and enforced as the result of the experience of the able and benevolent men who were members of our society at that period.

In 1790, the legislature in conformity with these views, went as far towards their execution as the state of the public funds at that time permitted. Solitary cells were erected in the present prison on Walnut street, where the law directed that "the more hardened and atrocious offenders soould be confined;" and also, "that ordinary convicts should be kept apart, unless their employment did not admit of separation, in which case the keeper or his deputy must be present."

In 1794, the legislature advanced one step further by directing that prisoners, for most offences, should serve some part of his sentence in solitary confinement and in some instances enumerated in the act, this confinement might be extended to months and even years.

The growing population of the the state and consequent increase in the number of prisoners, soon rendered it impossible with the scanty accomodations of the Walnut street prison, to carry the plan of separation into effect, hence the prison for many years has been rather a school of vice than a place of moral instruction and reform. But we are justified in saying that in many of those instances and in those alone where solitary confinement was exercised a well ascertained and practical reformation was effected.

In the address from the prison society to the legislature, which induced the erection of the Arch street prison, the necesity of more extensive buildings for the complete trial of the system of separate imprisonment is strongly enforced and with that intent the edifice was erected. In the year 1818 the society again urged upon the legislature the necessity of the erection of penitentiaries in suitable parts of the state for the more effectual employment and separation of criminals and of proving the efficacy of solitude on the moral emendation of the unhappy objects and soon after the penitentiary at Pittsburg was commenced. In the same year the society in a letter to the London committee for the improvement of prison dicipline, emphatically stated, that one of the chief causes of the apparent failure of the penitentiary system, was the impracticability of confining the convicts to *solitary labor*.

In 1821, the society made its last appeal to the legislature. Your memorialists will not trespass further upon your attention by entering into the details of this document; suffice it to say, that after forty years experience they gave it as their decided opinion, that the erection of suitable edifices for complete practice of the system of separate confinement, was the only means by which the designs of benevolence in regard to the improvement of prison discipline could be achieved during that session, the legislature were pleased to order the erection of the penitentiary. now nearly completed, in the neighborhood of Philadelphia, with the definite object and design, that in it, the system of separate confinement might be tried under the most favorable auspices.

Your memorialists have been thus particular in tracing the progress of prison reform in Pennsylvania, in order to remind the assembly that the constant aim of all the legislation which has taken place upon this subject, has been the final adoption and prosecution of the system of separate confinement; and also to show that the society which now approaches you, has always received the kindest attention to its suggestions and the utmost facilities for executing its plans which the legislature could afford.

Your memorialists would earnestly entreat the legislature now to perfect and consumate by the passage of a penal code and system of prison discipline founded on the principle of solitary confinement, that great scheme of christian benevolence, which had its in-

ception in Pennsylvania, and to effectuate which, you have expended large sums in the erection of commodious edifices.

Your memorialists are aware that great efforts are making to bring the system of Pennsylvania into disrepute, and to promote the adoption of a system which is of a totally dissimilar, and in the opinion of your memorialists, of a severe and cruel character; but without entering into a detailed examination of the respective merits of the two systems, they deem it right in a few words, to correct some misrepresentations, with regard to their views and wishes on the subject of solitary confinement, which, they believe to have been extremely injurious to the progress of prison reformation.

Solitary confinement has been represented as extremely barbarous; the idea has been inculcated, that every offender on his entrance into prison, is to be immured in some narrow gloomy cell, out of sight or hearing of any of his species; insanity, idiocy and great physical injury, have been predicted, as the certain consequences of so dreadful a system. The dungeons of the Bastile and the Inquisition, have been held up as parallels to our places of confinement. Pennsylvania benevolence, has been affirmed to be in emminent danger of degenerating into Austrian tyranny. Permit us then, to say, that the whole of this horrible creation is the offspring either of ignorance or misconception.

Perhaps the term *separate* rather than *solitary* confinement would more appropriately describe the kind of durance which we propose to inflict; completely to seperate one prisoner from another: to take away every possible chance of communication in prison and mutual recognition, after discharge, is what we greatly desire.

Suitable books and private religious instruction, we would afford to all: but if labor should be introduced, we hope that no other will ever be permitted, than such as can be performed in their private separate apartments. and that this will be employed as an alleviation, not an aggravation of their punishment.

Your memorialists cannot refrain from expressing a hope, that the legislature will adopt such a penal code, as may enable us to test in the penitentiary, for the erection of which you have already expended large sums of money, *that system* which for nearly fifty years, your memorialists have been desirous to put in practice, and fully and fairly to prove which, under the most favorable auspices, this very prison has been built—and they furthur earnestly entreat that no other system may be adopted, until that of Pennsylvania, has been fully, fairly and completely tried.

Your memorialists, in referring to the generous attention, with which, in former years, their suggestions have been received cannot but indulge the sincere hope, that they shall not be unsuccessful in their present final effort.

By order of the society,

WM. WHITE, President.

ROBERTS VAUX, Secretary.

Philadelphia, December, 1827.